

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FIFTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE D.S.R.VARMA

WRIT PETITION NO : 7386 of 2005

Between:

Y. Rama Moorthy Raju S/o. Krishnam Raju
Chittoor, Formerly Gramspet Branch, Chittoor.

..... PETITIONER

AND

- 1 Government of Andhra Pradesh, Rep. by its Prl. Secretary,
Home Department, Secretariat, Saifabad, Hyderabad.
- 2 Superintendent of Police, Chittoor.
- 3 State of Andhra Pradesh, Rep. by Inspector of Police, CCS,
Chittoor, Chittoor District.
- 4 N. Ravindra Nath Tagore S/o. Subaiah, Hindu,
Indian Bank, Nawabpet Branch, Nellore. R/o. Abhinandana Apartments, III Floor,
32-36-13/3, Machavaram, Vijayawada-10, Krishna District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, Order or Direction more fully one in the nature of Writ of Mandamus directing the respondents to reinvestigate the matter in light of the statements of the witnesses and the confession No. N. Ravindra Nath Tagore by declaring the action of respondents in doing so as illegal, arbitrary and pass such other order or orders as this Hon'ble Court deems fit and proper in the circumstances of the case.

Counsel for the Petitioner: SMT.K.SESHARAJYAM

Counsel for the RespondentS: GP FOR HOME

The Court made the following :

ORDER:

The petitioner, while working as Senior Manager of Indian Bank at Greampet Branch, Chittoor, claims to have lodged a report with the Inspector of Police, Chittoor, against an employee of the Bank by name N.Ravindranath Tagore alleging that he committed theft of certain gold ornaments from the Bank, which was registered as Crime No.108 of 2004 of Crime Control Station, Chittoor. It appears that the police investigated into the matter and laid charge-sheet before the concerned criminal Court showing some other person as the accused in the case, other than N.Ravindranath Tagore. Questioning this action of the police, petitioner filed the present writ petition seeking a writ of mandamus to direct the respondents to reinvestigate into the matter in the light of the statements of the witnesses and the alleged confessional statement of N.Ravindranath Tagore.

Heard both sides.

Pursuant to the report lodged by the petitioner, police conducted investigation and, based on the material and information collected by them, laid charge sheet naming a person as the accused. Of course, police did not name N.Ravindranath Tagore as the accused. If really the petitioner is still aggrieved by the action of the police in not naming N.Ravindranath Tagore as the accused in the case, it is always open to him to file a complaint before the jurisdictional Magistrate under Section 200 Cr.P.C and pursue his remedy in accordance with law. Police will generally file charge-sheet in a given case based on the material and information collected by them during

their investigation, showing the actual culprits as the accused. This Court, exercising extraordinary jurisdiction under Article 226 of the Constitution of India, is not obliged to direct respondents 1 to 3 to reinvestigate the matter, as a matter of course.

This writ petition is disposed of with the above observation, at the admission stage.

05.04.2005

Note: Issue C.C. in three days.

(B/o)

Jsu

To

- 1 Government of Andhra Pradesh, Rep. by its Prl. Secretary,
Home Department, Secretariat, Saifabad, Hyderabad.
- 2 Superintendent of Police, Chittoor.
- 3 State of Andhra Pradesh, Rep. by Inspector of Police, CCS,
Chittoor, Chittoor District.
- 4 Two CCs to the G.P for Home, High Court of A.P., Hyderabad(O.U.T).

5 2 CD copies

6 1 CC to SMT.SESHARAJYAM